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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,034	07/02/1999	MARK ALBERT	CISCP521	3170

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/05/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/347,034

Applicant(s)

ALBERT ET AL.

Examiner

Barbara N Burgess

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Response to Arguments

The office notes the following arguments:

(a) Nowhere in Urano is there any disclosure, teaching, or suggestion of receiving instructions and processing packets according to the instructions as recited in the above-identified claims.

(b) Arai fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Arai fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(c) Kawagoe fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Kawagoe fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(d) DeNap fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, DeNap fails to offer any additional subject matter combinable with Urano that would be material to patentability.

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(e) Furuichi fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Furuichi fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(f) Blahut fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Blahut fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(g) Touboul fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Touboul fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(h) Subramaniam fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover, Subramaniam fails to offer any additional subject matter combinable with Urano that would be material to patentability.

(i) Flanders fails to provide any disclosure that would teach or suggest the appropriate claim limitations as is required for a proper 103 analysis. Moreover,

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Flanders fails to offer any additional subject matter combinable with Urano that would be material to patentability.

1. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

(a) Urano clearly discloses the manager computer sending instructions to the agent about which log files (packets) are important and which log (packets) should be sent to the manager. Further, the manager specifies how the agents should process particular log files before being sent to the manager (column 4, lines 29-52, column 5, lines 37-44, column 6, lines 5-17, 34-45).

(b) Arai teaches the claim limitation of using UDP (column 12, lines 3-7).

(c) Kawagoe teaches the claim limitation of packet handling instructions (column 6, lines 25-39).

(d) DeNap teaches the claim limitation of forwarding packet to a destination other than the forwarding agent (column 9, lines 27-29).

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- (e) Furuichi teaches the claim limitation of communicating the packet to the destination using tag switching (column 1, lines 23, 30-35).
- (f) Blahut teaches the claim limitation of communicating the packet to the destination using IP tunneling (column 5, lines 12-16).
- (g) As per claims 15, 43, and 61, Kimball teaches the claim limitation of forwarding agent implemented on a selected one of switch, load balancer, and router (paragraph [0035]).
- (h) Subramaniam teaches the claim limitation of receiving unicast packet handling instructions (column 3, lines 57-60).
- (i) Flanders teaches the claim limitation of an affinity that identifies one or more flows to be received by the forwarding agent (column 6, lines 62-67, column 7, lines 1-2).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157

May 29, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100